

**REMARKS**

**I. Status of Claims**

Claims 1-14 are pending in the application. Claim 1 is the only independent claim. Claims 4 and 7 are currently amended.

Claims 1, 4-6 and 13-14 stand rejected under 35 USC 103(a) as allegedly being unpatentable over Ueda et al. (US 7,264,900) (“Ueda”).

The Office Action objects to the specification.

Claims 2-3 and 8-12 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Claims 4-5 and 7 stand objected to because of minor informalities.

The Office Action indicates that claim 7 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, second paragraph.

The Applicant respectfully requests reconsideration of these rejections in view of the foregoing amendments and the following remarks.

**II. Specification**

In view of the foregoing change to paragraph [0046] of the published application, the Applicant respectfully requests withdrawal of this objection.

**III. Allowable Subject Matter**

Claims 2-3 and 8-12 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Claim 7 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, second paragraph, set forth in the Office Action and to include all of the limitations of the base claim and any intervening claims.

**IV. Claim Objections**

The Applicant respectfully submits that claims 4 and 7 are amended to correct any perceived ambiguity.

**V. 35 USC 112, second paragraph, Rejections**

The Applicant respectfully submits that claim 7 is amended to obviate any perceived ambiguity.

**VI. 35 USC 103(a) Rejections/Perfection of Priority and Removal of Ueda**

Claims 1, 4-6 and 13-14 stand rejected under 35 USC 103(a) as allegedly being unpatentable over Ueda.

Enclosed herewith, the Applicant respectfully submits a verified English translation of the Priority Document (Japanese Patent Application No. 2003-364524), which perfects the priority date of October 24, 2003, along with a statement from Satoko Yamaguchi indicating that the translation is accurate. The Applicant respectfully submits that, since for reference publications and patents of patent applications filed under 35 U.S.C. 111 (a), the prior art dates under 35 U.S.C. 102(e) accorded to these references are the earliest effective U.S. filing dates (no benefit of the filing date of the foreign application is given under 35 U.S.C. 102(e) for prior art purposes (*In re Hilmer*, 149 USPQ 480 (CCPA 1966)), the effective filing date of the Ueda patent is June 3, 2004, which is subsequent to the Applicant's perfected priority date of October 24, 2003.

Accordingly, since the Applicant has perfected priority by submitting a certified translation of the priority document, the Applicant respectfully submits that these rejections, that rely upon Ueda, should be withdrawn.

**VII. Conclusion**

In light of the above discussion, the Applicant respectfully submits that the present application is in all aspects in allowable condition, and earnestly solicits favorable reconsideration and early issuance of a Notice of Allowance. The Examiner is invited to contact the undersigned at (202) 220-4420 to discuss any matter concerning this application. The Office is authorized to charge any fees related to this communication to Deposit Account No. 11-0600.

Respectfully submitted,

Dated: September 24, 2009

By: /Daniel G. Shanley/  
Daniel G. Shanley  
(Reg. No. 54,863)

KENYON & KENYON LLP  
1500 K Street, N.W., Suite 700  
Washington, D.C. 20005-1256  
Telephone: (202) 220-4200  
Facsimile: (202) 220-4201

## **APPENDIX**

Verified English translation of the Priority Document  
(Japanese Patent Application No. 2003-364524) and certification.